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C O N F I D E N T I A L SECTION 01 OF 03 ANKARA 002837

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TAGS: PGOV PHUM PREL OSCE TU

SUBJECT: TURKEY: MALATYA MURDER TRIAL GETS UNDERWAY AMID MASSIVE SECURITY

REF: A. ADANA 56

1B. ANKARA 933

Classified By: Political Counselor Janice G. Weiner, reasons 1.4 (b), (d)
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11. (C) Summary: The high-profile trial of seven men accused of the April murder of three Christian bookstore workers in the southeastern city of Malatya began on November 23. Five defendants face multiple life sentences for murder and terrorist acts; two others are charged with assisting in the planning. Friends of the victims and their families came en masse from cities across Turkey to show their support, but police prevented them from entering the tiny courtroom assigned for this "open" trial. Inside the court, the air bristled with tension -- the three widows sat uncomfortably near the defendants and their fathers, all surrounded by a small army of heavily armed police and Jandarma. Two widows described for the court their anguish since the murders. Attorneys for the victims' families argued that the brutal murders constituted "hate crimes" and "genocide." These attorneys later told us that even though they expect the court to sentence all five main defendants to life in prison, they will be disappointed if they are unable to expose the "shadowy network" responsible for recruiting and encouraging the youths to commit the murders. The court granted the defendants more time to prepare, scheduling the next hearing for January 14. End summary.

Amid Massive Security,
Tiny Courtroom Bristles With Tension

12. (U) Police permitted only seven outside observers (including EmbOff, the German Consul and an EU representative) in the tiny courtroom for the November 23 opening session of the trial of seven men accused of murdering three Christian bookstore workers in Malatya on April 18. About 60 others were denied entry, including members of Turkey's Protestant community. The three-judge panel denied a request for a larger courtroom. The five defendants directly involved in the murders face multiple life sentences for murder, terrorist acts, undermining democracy, and interfering in the workplace. Two defendants face lesser charges for allegedly conspiring in planning the murders. All defendants are 19 or 20-year old high-school graduates who were attending college or doing odd jobs for

little income at the time of the murder.

¶3. (SBU) The mood inside the packed courtroom was tense. The three widows sat just feet away from the accused and most of their fathers. Twenty police officers lined the courtroom walls and twenty Jandarma officers, armed with rifles, stood for the five-hour session in the rows immediately in front of and behind the seven defendants. Additional Jandarma guards sat between defendants. Several of the attorneys for the victims' families told us they had never seen such a massive security presence in court.

Widows' Passionate Pleas to the Court

¶4. (SBU) Susan Geske, the German victim's widow, made a passionate plea to the judge in response to a defense counsel motion to exclude the three widows as named parties in the case (a designation that allows their attorneys to call witnesses and present arguments). She told the court she had lived in Malatya for ten years in peace and harmony with her neighbors. Even the local Imam consoled her and attended her husband's funeral. The brutal murder had upended her life and caused her unimaginable grief. Despite the pain, she decided to remain with her three children in Malatya because of her strong connection to the city.

¶5. (SBU) Semse Aydin, another widow, described her pain and said her children continue to ask her if they will be killed because they are Christians. Aydin said it was well-known that as-yet unnamed parties were responsible for recruiting the youths accused of the murders. The prosecution had

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inadequately probed for information regarding these "real insiders," she charged. Aydin presented a letter to the court from an alleged informer who claimed that Jandarma officers and a theology professor had recruited and encouraged the defendants. She urged the prosecutors to redouble their efforts to find these "truly responsible" parties. The court ruled that the widows had suffered damage and as a result could remain parties in the case.

Victims' Attorneys: Defendants Committed "Hate Crimes"

¶6. (SBU) Lead attorney for the victims' families Ergin Cinmen organized approximately 15 attorneys as his "assistants" to raise the case's profile. This "who's who" of Turkey's human rights legal community traveled from Istanbul, Izmir, Ankara, and Diyarbakir to attend the trial. Among the notables: Fethiye Cetin, counsel for the family of murdered journalist Hrant Dink; Oya Aydin, counsel for outspoken human rights defender Professor Baskin Oran; and Tahir Elci, who came to Malatya from Strasbourg, France, immediately after he finished arguing the case before the European Court of Human Rights to abolish the ten percent election threshold in Turkey.

¶7. (SBU) In his opening statement, Ali Koc argued the murders were "hate crimes" because the defendants were not murdering individuals they knew but were killing Christians as part of what they considered their patriotic and religious duty. Similarly, the January murder of Armenian-Turkish journalist Hrant Dink and the 2006 murder of Trabzon Catholic Priest Santoro were hate crimes that exhibited such intolerance for "outsiders." According to Koc, the government worried that these crimes would negatively impact Turkey's EU bid and tourism industry, and had failed to treat them as the abhorrent acts they were. He blamed the media for stoking an atmosphere of hatred in Turkey. He charged the judiciary with failing to properly investigate and try these cases, noting as one example that Malatya prosecutors had opened 15 investigation files on the defendants and 16 on the victims

and their relatives. The court refused Koc's motion to exclude the 16 victims' files, reasoning that the defense counsel may need them to put on its case.

¶18. (SBU) Attorney Ergin Cinmen argued that the crimes constituted "genocide" because the defendants did not kill out of hatred for the individual victims but merely because they were members of a minority group. He challenged the prosecutors and defense counsel to respond to his argument. Cinmen also blamed the media, charging that local journalists had provoked violence by labeling the Christians in Malatya agents of Israel and the CIA. Local media in Trabzon had written similar things following the assassination of Hrant Dink, he noted. "In all of these cases, we are holding the local media responsible for inciting violence," he concluded.

Court Grants Defendants an Extension

¶19. (U) Counsel for the victims' families did not object to a defense request for additional time to interview witnesses, stating that a proper defense was fundamentally important to a fair trial. The court adjourned the trial until January 14, at which time the defense will give opening remarks and examine witnesses.

True Justice Requires More than a Conviction

¶10. (C) Following the court session, attorneys Fethiye Cetin and Oya Aydin predicted the three judges, nervous handling their first high-profile case, will be reluctant to do anything other than convict the five main defendants of murder and sentence them to life in prison (Turkey abolished the death penalty in 2002). Both added they would not be fully satisfied unless the "shadowy network" responsible for recruiting and encouraging the youths to commit the murders

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is exposed. During the trial, they hope to delve into defendants' contacts with those they allege are behind the murders. They strongly suspect, however, that the judges may not want to be seen as vigorously protecting the interests of Christians and other minorities, and expect they will refuse to permit a probing line of questioning.

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